

HOUSE No. 4228

The Commonwealth of Massachusetts

Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 3022, a Bill to limit losses of subcontractors in private construction (House, No. 4228).September 10, 2009.

AN ACT TO LIMIT LOSSES OF SUBCONTRACTORS IN PRIVATE CONSTRUCTION.

FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Steven M. Walsh	11th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO LIMIT LOSSES OF SUBCONTRACTORS IN PRIVATE CONSTRUCTION .

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for limitation of losses to subcontractors in private construction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after Section 29D the following section:-

SECTION 29F. Any provision for or in connection with a contract or agreement for construction, alteration, repair or maintenance of a building, structure, or other improvement to real property, including moving, demolition and excavating connected therewith, purporting to require a subcontractor to continue performance if more than 45 days have elapsed since the last day of the month in which such subcontractor furnished labor, materials, services, tools or equipment for which such subcontractor has not received payment, shall be void, except to the extent such subcontractor has received prior written notice of a good faith dispute regarding the quality or quantity of the labor, materials, services, tools or equipment so furnished. This section shall not apply to contracts for public buildings or works.